

ADAMS, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

TODD A. SHELTON)	
)	CASE NO. 5:08CV3008
Plaintiff,)	
)	
v.)	<u>Judge John R. Adams</u>
)	
OHIO EDISON COMPANY)	ORDER
)	
Defendant.)	(Resolves Doc. 24)
)	

Pending before the Court is Plaintiff's motion for leave to file a Rule 56(f)(2) motion. The motion for leave is GRANTED. Plaintiff's proposed Rule 56(f)(2) is considered filed. In addition, the Court has reviewed the Rule 56(f)(2) motion and finds that said motion lacks merit. The 56(f)(2) motion, therefore, is DENIED.

In his motion, Plaintiff seeks additional discovery to respond to Defendant's summary judgment on one count in the complaint, the breach of the collective bargaining agreement count. Plaintiff asserts that a discrepancy exists in the evidentiary record that requires further discovery with respect to the collective bargaining agreement. Having reviewed the entirety of the docket, the Court finds no merit in this contention.

Plaintiff has offered no argument to suggest that the terms of the collective bargaining agreement are in any way ambiguous. Furthermore, it is undisputed that Plaintiff was subject to the terms of the collective bargaining agreement. Accordingly, the Court's role will consist of interpreting those unambiguous terms and applying them to the facts in this matter. No amount of discovery by the Plaintiff will alter the meaning of the unambiguous terms of the agreement.

Accordingly, the Court declines to extend discovery in this matter.

Plaintiff's motion for leave (Doc. 24) is GRANTED. Plaintiff's request for additional time to conduct discovery (Doc. 24-3) is DENIED. Plaintiff is ordered to file a response to Defendant's summary judgment motion on the remaining count on or before May 19, 2009.

IT IS SO ORDERED.

May 12, 2009
Date

/s/ John R. Adams
Judge John R. Adams
United States District Court